

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Special Meeting
Wednesday, July 9, 2014

The Special meeting of the East Windsor Municipal Utilities Authority was held on Wednesday, July 9, 2014 at the Administration Building on Wiltshire Drive and called to order by Chairperson Moore at 6:00 p.m.

The following Members were present:

Linda L. Moore
Marc Platizky
Steven Kurs
Leonard Millner
William Lawler
Michael Shifman

Absent: Marc Lippman

Also present:

Richard Brand, Executive Director
Dolores Borosko, Board Secretary

Chairperson Moore requested that the Public Notice be read. The Board Secretary read the statement announcing that the notice and agenda of this meeting were mailed to the Windsor Hights Herald, Trenton Times and Trentonian on July 3, 2014. An agenda was posted on the official bulletin board of the Authority and delivered to the Township Clerk for posting on the bulletin board at the East Windsor Township Municipal Complex on July 3, 2014. Chairperson Moore then asked for a roll call after which she asked if any Member had an objection to holding this meeting as advertised. No one objected.

Chairperson Moore asked if there was anyone present that would like to discuss a matter which was not on tonight's agenda. Hearing no one Chairperson Moore stated that the purpose of tonight's meeting was to discuss the application for service for Hankins Center, LLC. Mr. Brand stated that the developer had decided to secure sewer service from the EWMUA. This necessitate a revision to the EWMUA's approved sewer service area (EWMUA/NJDEP Wastewater Management Plan), which must be approved by resolutions from Robbinsville Township, East Windsor Township and EWMUA. Both Robbinsville Township East Windsor Township have indicated their approvals by resolution. The EWMUA resolution approving the revision to the sewer service area is on the agenda for approval tonight.

The resolution authorizes preparation and submittal of the appropriate permit applications to the NJDEP for the sewer and water extensions. Mr. Brand stated that staff had reviewed the additions and modifications to the designs and plans and they comply with the directions of the

EWMUA.

There was some discussion of the Off Tract Improvement fees and the sewer connection fees.

There was also a discussion of the reimbursement to the developer for his expense to extend the water line which is estimated to cost \$60,000.00. The funding for this reimbursement will be collected from future development projects as an off tract improvement. If someone taps into the water line the developer gets a proportionate share of the off tract improvements. The reimbursement termination period will be seven years. Mr. Brand stated that the MUA had successfully used this approach before with other developers.

Mr. Brand stated there were several staff recommendations as follows:

1. Recommending that the Board adopt the resolution authorizing the addition of the development project to the EWMUA sewer service area and the submittal of required documents to the NJDEP.
2. Recommend that the Board authorize the preparation, execution and delivery of the required application for the sewer and water extensions (TWA) to the NJDEP.
3. Lastly, recommend that the Board approve the Capacity Allocation Agreement with Hankins Center LLC and authorize the Chairperson and Secretary to execute the agreements.

Chairperson Moore asked for a motion to adopt Resolution 2014-17 for the Sewer Map Amendment & Treatment Works Permit filing. Mr. Millner made the motion, seconded by Mr. Kurs and approved with the following vote: AYES: Mr. Millner, Mr. Kurs, Mr. Platizky, Mr. Lawler and Chairperson Moore.

Resolution 2014-17

WHEREAS, the East Windsor Municipal Utilities Authority ("Authority") has adopted Rules and Regulations to provide for water and sewer service and establish sanitary sewer service and potable water service pursuant to *N.J.S.A. 40:14B-1 et seq.*; and

WHEREAS, Section I, Chapter 3, Subchapter 3-7.0100 of said Rules and Regulations provides that the Authority reserves the right to change or amend, from time to time, these Rules and Regulations and further reserves it's right to make

revisions to its sewer service map with the approval of the New Jersey Department of Environmental Protection, with the approval of a majority of all members of said Authority; and

WHEREAS, the Township of Robbinsville Planning Board Resolution PB2013–10 approved the proposed provision of sewer service from this site to the Authority; and

WHEREAS, the Township of Robbinsville is in the process of approving the transfer of sewer service from the Township of Robbinsville to the Authority; and

WHEREAS, on June 19, 2014, the Authority the Authority considered the foregoing Sewer Service Map revision, and it is of the opinion that the proposed revision of the Sewer Service Map should be approved, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority, in the County of Mercer, State of New Jersey, as follows:

1. The Authority consents to the submission of the application for a proposed Sewer Service Map revision to the NJDEP.
2. The Authority consents to the submission of a TWA permit application by Hankins Center, LLC to the NJDEP.
3. The submission of the Map revision and TWA permit application is expressly conditioned upon:
 - A. The receipt of a Resolution as adopted on June 26, 2014 from the Township of Robbinsville consenting to the map amendment;
 - B. The receipt of a Resolution as adopted on June 24, 2014 from the Mayor and Council of the Township of East Windsor consenting to the providing of sewer service to facilitate said service.

C.Hankins Center, LLC entering into a developer's agreement with the Township of E

D.Hankins Center, LLC entering into a Capacity Allocation and Developer's On-Tra
improvement contributions.

4. This Resolution shall take effect immediately upon its adoption.

A motion to adopt Resolution 2014-18 for the Execution of the Capacity Allocation and OTIF Agreement was made by Mr. Kurs, seconded by Mr. Platizky and approved with the following vote: Mr. Platizky, Mr. Kurs, Mr. Millner, Mr. Lawler and Chairperson Moore.

Resolution 2014-18

WHEREAS, Hankins Center, LLC (hereinafter referred to as the "Developer") has received approval from the Township of Robbinsville for the construction of Hankins Center; and

WHEREAS, the location of the Hankins Center development is contiguous to the Township of East Windsor; and

WHEREAS, the Developer has requested sanitary sewer service for Hankins Center; and

WHEREAS, on June 24, 2014 the Mayor and Council of the Township of East Windsor authorized a Developer's Agreement with the Developer for certain improvements involving the Township; and


WHEREAS, the Developer wishes to enter into a Capacity Allocation and Developer's On-Tract and Off-Tract Agreement to provide for public sanitary sewer service, the installation of a water line and the payment of fees associated with same.

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority, in the County of Mercer, State of New Jersey, as follows:

1. The Chairperson and Secretary of the East Windsor Municipal Utilities Authority are hereby authorized and directed to execute a Capacity Allocation and Developer's On-Tract and Off-Tract Agreement with Hankins Center, LLC. The Agreement authorized by this resolution is on file with the Secretary to the Authority and may be inspected during regular office hours.

2. This Resolution shall take effect immediately upon its adoption.

There being no other items on the agenda for discussion Chairperson Moore adjourned the meeting.

Respectfully submitted,

Marc Platizky